

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HARRY SMITH, JR. and
ROSLYN WOODARD SMITH,
Individually and as Administrators of
The ESTATE OF HARRY SMITH, III,

Plaintiffs,

v.

CIVIL ACTION NO. 04-1254-GMS

CITY OF WILMINGTON,

JOHN CIRITELLA, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

THOMAS DEMPSEY, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department, and

MATTHEW KURTEN, in his individual capacity
and in his official capacity as a police officer of
the Wilmington Police Department,

Defendants.

**PLAINTIFFS' BRIEF IN OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Dated this 5th day of July

Plaintiff's Attorneys

Anne T. Sulton
Post Office Box 2763
Olympia, WA 98507
Telephone: (609) 468-6029
E-Mail: annesulton@comcast.net

Local Counsel:

Kester I.H. Crosse [Bar I.D. 638]
1214 King Street, Suite 300
Wilmington, DE 19801
Telephone: (302) 652-3141
E-Mail: kesterih@aol.com

The physical evidence in this case contradicts the police version. First, the stolen car's airbag did not deploy, indicating this was either a very low speed crash into the Jeep or this was a very slow speed pushing of the Jeep out of the way.

Second, the photo numbered B-4 (in the sealed materials being sent to the Court) show the bullet casings from defendant Ciritella's bullets land between the stop sign and the building. It is reasonable to assume this is where he was standing as Harry tried to go through the opening between the stop sign and Ciritella's car, meaning Harry was intentionally moving away from Ciritella. We know Harry was intentionally moving away from Ciritella to avoid the gunfire. We know this because of the next photo.

The photo numbered B-2 (in the sealed materials being sent to the Court) show three bullet holes in the front windshield. In this photo are the trajectory sticks, placed there by someone working on defendants' behalf. The trajectory sticks clearly show Ciritella was on the passenger side of the car when he fired into the windshield, not in front of the car.

At page 88, lines 17-19 of his deposition, Ciritella testifies that when he fired the first shot the car was about a car length away from him. At page 110, line 9, Ciritella claims Harry "Tried to run me over." This means we have a disputed issue of fact, requiring the jury to resolve it. There are many unanswered questions because of the factual disputes, e.g., Were defendants shooting at Harry because Harry drove at Ciritella with the intent to kill him, as defendants claim? Was Harry just trying to avoid the bullets by squeezing through the opening between Ciritella's car and the stop sign? Was Harry trying to surrender as he approached the intersection? Was Ciritella out of harm's way when he fired the first shots from the passenger side of the vehicle? Were all of the defendants shooting to kill only because Harry stole a police car?

EXHIBIT B

Appendix III**Curriculum Vitae**

[Current May 5, 2006]

Jon J. Nordby, Ph.D., D-ABMDI**Address:**

Final Analysis Forensics
 3532 Soundview Drive West
 University Place, WA 98466

Email: finalanalysis@msn.com**Web Page:** www.finalanalysisforensics.com**Phone:** 253-627-2739**Fax:** 253-627-0350**Cell:** 253-691-2932

Present Positions: Consultant in forensic science and forensic medicine, *Final Analysis Forensics*; Medical Investigator & Forensic Specialist, National Disaster Medical System, DMORT, Region X, Federal Emergency Management Agency FEMA [formerly with the Department of Homeland Security]; Instructor, Washington State Criminal Justice Training Academy [Police – Patrol & Detective Training Facility]

Areas of Practice in Forensic Science & Forensic Medicine

Medico-legal Death Investigation; Bloodstain Pattern Analysis; Ballistics, Firearms & GSR Testing; Trace Evidence Analysis; Crime Scene Investigation & Event Reconstruction

Research**I** **Publications Including Books**

Sleuthing: Method Meets Murder, Jon J Nordby, Ph D Pacific Lutheran University, Tacoma, WA, 1st Edition, 1978

Sleuthing: Method Meets Murder, Jon J Nordby, Ph D , assisted by Karen Brandt, Forensic Science Associates, Tacoma, WA, 2nd Edition, 1991

"How Approximations Take Us Away From Theory and Toward the Truth" Nancy D Cartwright, Ph D & Jon Nordby, Ph D , *Pacific Philosophical Quarterly*, July 1983

How the Laws of Physics Lie, written by Nancy Cartwright, with Jon Nordby co-authoring Essay #6, "For Phenomenological Laws," pp 100-127; further acknowledgment of Nordby in Introduction, pp 1-20; Clarendon Press, Oxford University Press, New York, NY, 1983

Synthese: The Philosophy of Applied Science, Jon Nordby, Ph D & Vivian Weil, Editors, Vol 81, Kluwer Academic Publishers, 1989

"Bootstrapping While Barefoot [Crime Models vs Theoretical Models in the Hunt for Serial Killers]" Jon Nordby, Ph D , *Synthese*, Vol 81, pp 373-389, 1989

"Can We Believe What We See If We See What We Believe? Expert Disagreement" Jon Nordby, Ph D , *Journal of Forensic Sciences*, Vol 37, No 4, July 1992

"Can We Believe What We See If We See What We Believe? Expert Disagreement" Jon Nordby, Ph D , Reprinted, *The International Society of Air Safety Investigators Forum*, Vol 26, No 3, September, 1993

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"Science is as Science Does: The Question of Reliable Methodologies in 'Real Science,'" Jon Nordby,
Ph D , *Shepard's Expert and Scientific Evidence Quarterly*, Vol 2, No 3, winter 1995

"The Study of Philosophy Can Help Solve Mysteries," Jon Nordby, Ph D ,
Pacific Lutheran Scene Magazine, fall, 1996

"A Member of the Roy Rogers Riders Club Must Follow the Rules Faithfully" Jon Nordby, Ph D ,
Journal of Forensic Sciences, Vol 42, No. 6, November, 1997

Dead Reckoning The Art of Forensic Detection," Jon Nordby, Ph D , CRC Press, 1999

Careers in the Forensic Sciences, Jon J. Nordby, Ph D , contributor, Forensic Sciences
Foundation, Colorado Springs, CO, 2000

"Is Forensic Taphonomy Scientific?" Jon Nordby, Ph D , [Chapter in *Forensic Taphonomy Volume II*, W
D Huglund, Ph D & M H Sorg, Ph D , Editors, CRC Press, 2002]

Forensic Science An Introduction to Scientific and Investigative Techniques, edited by Jon Nordby, Ph D ,
and Stuart James, and chapters 1, 30 written by Jon Nordby, Ph D , CRC Press, released August, 2002,
copyright 2003

Forensic Science An Introduction to Scientific and Investigative Techniques, edited by Jon Nordby, Ph D ,
and Stuart James, CRC Press. Second Edition copyright 2005

Instructor's Guide for Forensic Science An Introduction to Scientific and Investigative Techniques, edited
by Jon Nordby, Ph D , Stunt James, Sara R. Kreisman, CRC Press released September, 2002, copyright
2003

Encyclopedia of Forensic and Legal Medicine, edited by Jason Payne-James, Roger Byard, Tracey Corey,
and Carol Henderson, Elsevier Science Ltd, Volume 2, Crime Scene Management Systems, United States
of America, Jon Nordby, Ph D , page 46, copyright 2005

2 Reviews

On the Trail of Murder: Inside Murder, a Psychiatric Portrait, by Walter Bromberg, MD
Book Draft editorial review for MIT Press, 1995

Ethics in Forensic Science by Peter D Barnett, Protocols in Forensic Science Series, CRC Press 2002,
Book review for the *Journal of Forensic Sciences*, spring 2002

Lust Murder/Sexual Homicide Book Draft proposal review for Elsevier Science Publishing, 2005

Associate Editor, *International Association of Bloodstain Pattern Analysts Review*, from 1993 –
Reviewed many technical articles for publication to date

Guest Editor, *Journal of Forensic Sciences*, reviewer of articles or books on ethics, scientific method,
issues of bias and 'scientific neutrality'

3 Computer Programs

Della, [Investigative reasoning training tool, teaching the logic of homicide
investigation], Stanford University and Pacific Lutheran University, Aid Association for
Lutherans, 1982-1983

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DOA, [Death Occurrence Analyst], reference and inference tool for the investigation of sudden, unexpected deaths, including homicides of each model type, with Clifford Jo, Copyright 1988

4. Radio and Television

Behind the Shield, "Homicide Investigation," with Mark Mann, Produced by Lane Ficke, Cable Channel 12, 1994

Cop Talk, "Dead Reckoning – Forensic Sciences & Law Enforcement," with Mark Mann, KVI 570 Seattle, Washington, 1995

Discovery Channel; Cronkite Ward Company, Documentary film – "Sherlock Holmes and the Hound of the Baskervilles," producer, Philippa Gilmore, Washington DC, 2002

5 Work in Progress

Crime Scene Atlas, CRC Press, forthcoming book, 2008

6. Laboratory Research

Florescence Spectrometry in the Detection, Photography, and Analysis of Gun Shot Residues

The Identification and Detection of RPG residues at a distance through non-destructive analytical methods SBIR Topic AF05-075: "Visualization of Propellant Residues from Shoulder-Fired Rockets upon Skin and Clothing," U S Air Force, Wright-Patterson AFB

SWGSTAIN Validation study participant: *BackTrack* bloodstain pattern analysis program – FBI [Federal Bureau of Investigation]

7. Discussions of Dr. Nordby's work

Ramsland, Katherine, The *Forensic Science of C. S. I.*, published by Berkley Boulevard Penguin Putnam Inc , New York N Y 2001, chapter 6, especially pp 128 – 132

Discovery Channel; Cronkite Ward Company, Documentary film – "Sherlock Holmes and the Hound of the Baskervilles," producer, Philippa Gilmore, Washington DC, 2002

Grants and Fellowships

Aid Association for Lutherans, [awarded 1981-82] Regency Advancement Awards [two], NJI [not awarded], NSF [not awarded], PLU Presidential Grant, [\$1000, 1986] Dr. Reike; Guy's Hospital Senior Research Fellowship [awarded 1994], other minor grants

Awarded Phase 1 SBIR Topic AF05-075: "Visualization of Propellant Residues from Shoulder-Fired Rockets upon Skin and Clothing," U S Air Force, Wright-Patterson AFB

Papers and Presentations

Date	Title	Status
1988	<i>Introducing Death Investigation to Legal and Human Services Professionals</i> PCME Workshop, Marriott Hotel Seattle Washington	Co-Organizer & Presenter [Student Evaluations]

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1989	<i>Sleuthing Random Homicides</i> University of Portland Portland, Oregon	Invited lecture
1989	<i>Investigating a Mutilation Murder</i> St Louis University School of Medicine St Louis, Missouri	Peer Review [prior review]
1990	<i>Forensic Applications of Logic & Probability Theory</i> American Academy of Forensic Sciences Cincinnati, Ohio	Peer Review [prior review]
1991	<i>Can We Believe What We See If We See What We Believe?</i> American Society of Forensic Odontology Anaheim, California	Invited by Peers [prior review]
1991	<i>Logic and Computer Science as Emerging Forensic Sciences</i> American Academy of Forensic Sciences Anaheim, California	Peer Review
1991	<i>Logical Problems in Knowledge Engineering Criminal Investigative Analysis</i> FBI Academy Quantico, Virginia	Invited by Peers [prior review]
1991	<i>Murder Unrecognized</i> Highline Community Hospital Riverton Campus, Seattle, Washington	Invited by UW CME Officer
1991	<i>The Perfect Murder</i> Mystery Writers of Seattle Seattle, Washington	Invited by Peers [prior review]
1992	<i>Observation and the so-called Expert Witness'</i> University of British Columbia Department of Forensic Pathology Vancouver, British Columbia	Invited by Peers [prior review]
1992	<i>Listen to the Silent Majority and Learn to Autopsy</i> Presidential Forum, Pacific Lutheran University Tacoma, Washington	PLU Pr. Forum Invited
1993	<i>Taking the Mystery Out of Murder Processing Indoor & Outdoor Crime Scenes</i> Pacific Lutheran University Tacoma, Washington	PLU Women By invitation
1993	<i>Offering an Opinion of Your Opinion What is Expert Opinion "Held to a Reasonable Degree of Medical or Scientific Certainty"?</i> American Academy of Forensic Sciences Boston, Massachusetts	Peer Reviewed [prior review]
1994	<i>Extracting Signs From Scenes Advanced Bloodstain Pattern Analysis</i> University of British Columbia Dental School Vancouver, British Columbia	Invited by Peers [prior review]
1994	<i>The History and Philosophy of Forensic Science</i> University of Washington Dept. of Clinical Medicine	Invited by Peers [prior review]

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Seattle, Washington

1994	<i>Science, Law, and the Quincy Myth</i> Training Course for Coroners and Forensic Pathologists Office of the Chief Coroner Ministry of the Solicitor General Toronto, Ontario Canada	Invited by Peers [prior review]
1994	<i>Open Mind, Case Closed or Closed Mind, Case Open</i> Training Course for Coroners and Forensic Pathologists Office of the Chief Coroner Ministry of the Solicitor General Toronto, Ontario Canada	Invited by Peers [prior review]
1994	<i>A Tabloid Explanation Meets Sherlock's Logic: Dousing Spontaneous Human Combustion</i> American Academy of Forensic Sciences San Antonio, Texas	Peer Reviewed
1994	<i>Forensic Science Education in the Year 2010</i> American Academy of Forensic Sciences San Antonio, Texas	Invited by Peers [prior review]
1995	<i>The Uses of Forensic Science</i> Multidisciplinary Symposium (now annually) American Academy of Forensic Sciences Seattle, Washington	Organizer, [prior review]
1995	<i>Forensic Scientific Evidence and Testimony in the Courtroom</i> Panelist, Scientific and Professional Standards Governing Forensic Science American Academy of Forensic Sciences Seattle, Washington	Invited by Peers [prior review]
1995	<i>Do Two Wrongs Make a Right?</i> Ethical Foundations of Forensic Psychiatry American Academy of Psychiatry and the Law Seattle, Washington	Invited by Peers [prior review]
1996	<i>Forced Change in Forensic Science</i> American Academy of Forensic Sciences Workshop Nashville, Tennessee	Peer Reviewed
1997	<i>Junk Science in the Courtroom</i> American Academy of Psychiatry and the Law New York, New York	Invited by Peers [prior review]
1997	<i>Teamwork at the Crime Scene</i> Multidisciplinary Symposium American Academy of Forensic Sciences New York, New York	Invited by Peers [prior review]
1997	<i>Ethical Practice in the Forensic Sciences</i> Panelist, Plenary Session American Academy of Forensic Sciences New York, New York	Invited by Peers [prior review]
1998	<i>Ethics in Homicide Investigations</i>	Invited lecture

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<p>Washington State Criminal Justice Training Commission Seattle, Washington</p> <p><i>1999 Investigative Ethics for Sworn Law-enforcement Officers</i> Washington State Criminal Justice Training Commission Seattle, Washington</p> <p><i>2000 Death Scenes & the Human Body</i> UW Extension Lecture Certificate Program in Forensic Science Seattle, Washington</p> <p><i>2000 Ethics in Homicide Investigations</i> Washington State Criminal Justice Training Commission Basic Homicide Investigation Seattle, Washington</p> <p><i>2000 Doing Our Best While Doing Our Duty: The Ethics of Homicide Investigation</i> Police Executive Research Forum [PERF] Homicide Course Memphis, Tennessee</p> <p><i>2000 Klan Justice & the Lias' Paradox: New Evidence from Old Records</i> <i>[Bias & Prejudice in the Investigation of Hate Crimes]</i> International Association of Bloodstain Pattern Analysts Tucson, Arizona</p> <p><i>2000 Dead Reckoning: Cases and Principles of Investigation</i> Oregon Health Sciences University Portland, Oregon</p> <p><i>2001 Hate Crimes & Their Scientific Re-investigation</i> Multidisciplinary Symposium on the Uses of Forensic Science American Academy of Forensic Sciences Seattle, Washington</p> <p><i>2001 Ethical Codes, Oaths of Honor and Police Use-of-Force</i> Washington State Attorney General's Office Investigators Retreat Ocean Shores, Washington</p> <p><i>2001 Forensic Sciences Death Investigation Course Spring Quarter</i> University of Washington Extension Seattle, Washington</p> <p><i>2002 Necessary Basics: Crime Scene Investigation and Event Reconstruction</i> Washington Defenders Association Investigators Conference Ocean Shores, Washington</p> <p><i>2002 Scientific Reasoning: Forensic Analysis and Inference to the Best Explanation</i> University of Washington Extension Seattle, Washington</p>	<p>Invited lecture</p> <p>Invited lecture</p> <p>Invited lecture</p> <p>Invited lecture [prior review]</p> <p>Invited by Peers [prior review]</p> <p>Peer Reviewed [prior review]</p> <p>Invited by Peers</p> <p>Invited by Peers [prior review]</p> <p>Invited lecture</p> <p>Lecturer</p> <p>Invited lecture</p> <p>Lecturer</p>
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<i>2003 Ballistics & Crime Scene Reconstruction</i>	Invited lecture
Mystery Writers of Seattle Seattle, Washington	
<i>2006 Documentation, Photography & Processing of Bloodstain Patterns</i>	Invited workshop
Pacific Northwest Division International Association for Identification Boise, Idaho	
<i>2006 Bloodstain Pattern Evidence</i>	Invited lecture
Pacific Northwest Division International Association for Identification Boise, Idaho	

Teaching Competencies

- ♦ Logic & Scientific Method; Philosophy of Science and Medicine; deductive logics, set theory, meta-mathematics, non-deductive logics; Ethics & Police Use-of-Deadly-Force Policy; Critical Thinking & Critical Intelligence Development
- ♦ Ballistics – Terminal Ballistics, Trajectory Analysis, GSR Testing; Bloodstain Pattern Analysis; Microscopy; Crime Scene Reconstruction; Criminalistics; Medico-legal Death Investigation; Homicide Investigation; Identification & Recovery of Human Remains; Crime Scene Processing; Evidence Collection, Documentation and Analysis

Professional Memberships

Fellow, American Academy of Forensic Sciences
 Diplomat, American Board of Medico-legal Death Investigators
 Association for Crime Scene Reconstruction
 Canadian Society of Forensic Science
 Founding Member, Department of Homeland Security
 International Association of Bloodstain Pattern Analysts
 International Criminal Justice Law Enforcement Expert Systems Association
 (FBI, Home Office, Interpol, Metropolitan Police, Berlin Police, and U S Police Jurisdictions)
 Pacific Northwest Forensic Science Study Group
 Philosophy of Science Association
 Scientific Working Group on Bloodstain Pattern Analysis [SWGSTAIN]
 FBI [Federal Bureau of Investigation]
 State Microscopical Society of Illinois

Professional Offices

American Academy of Forensic Sciences:
 Charter Member, Council of Forensic Science Education
 General Section Membership and Disciplines Committee
 Program Chair, Multidisciplinary Session: The Uses of Forensic Science
 Plenary Session Program Co-chair, Ethical Issues in Science & Law
 Plenary Session Speaker
 Member, Ethics Task Force
 General Section Program Co-chair, Scientific Sessions
 Local Arrangements Committee, Seattle 1995; 2001
 General Section Secretary
 General Section Chair
 General Section Director, 2002 - 2005
 Member, Academy Board of Directors, 2002 - 2005
 Member, Forensic Science Foundation Board of Directors, 2002 - 2005
 Member, Academy Ethics Committee 1995 - 2005

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International Criminal Justice Law Enforcement Expert Systems Association
Elected Chair, 1991

International Association of Bloodstain Pattern Analysts
Associate Editor, IABPA Technical Review Newsletter
SWGSTAIN [Scientific Working Group on Bloodstain Pattern Analysis] Legal Subcommittee,
Drafted Group's Ethics Code & Ethics Policy
FBI [Federal Bureau of Investigation], Washington DC

University Service

General Service:

Arête Society Member, term as President [*Phi Beta Kappa Chapter applicant*];
 Weight training coach for the PLU Football Team's offensive line, 1978-1981; Division II National
 Championship team; Player-coach, PLU Water Polo Club, 1978-1982;
 General Advisor, Departmental Advisor; Philosophy Club Advisor; Committee Memberships: University
 Student Grievance Committee; Interim Committee; Interim Committee Chair; Non-Human Subjects
 Review Board; Human Subjects Review Board; Educational Policies Committee; Faculty Secretary;
 Department Chair; Administrative duties associated with chair; Supervising eight faculty and two support
 staff

Special Service:

Developed community /international service programs with law enforcement, legal community, and
 medical examiners offices in Washington State and London, England; By special invitation, lead the only
 group of U S students ever to visit the 'Black Museum' at Scotland Yard, London England; Presidential
 Forum: Death Investigation; Developed Student Internships with Pierce County Medical Examiner, and
 Tacoma Police Department.

University Employment History:

- 1 Entry rank 1977: Assistant Professor
- 2 Tenured academic year 1985 - 1986
- 3 Promoted to associate professor academic year 1988 - 1989
- 4 Promoted to full professor academic year 2000 - 2001
- 5 Retired as a full professor, became professor emeritus, academic year 2001 - 2002

Employment

Forensic Science & Forensic Medicine Consultant, *Final Analysis Forensics* (1984 -)
 Medical Investigator & Forensic Specialist, National Disaster Medical System, DMORT Region X (1998-)
 Instructor, Washington State Criminal Justice Training Commission (1995 -)
 Professor Emeritus and Former Department Chair, Pacific Lutheran University
 Consultant, B C Coroner's Service Forensic Unit (1988 – 1997)
 Consultant, King County Medical Examiner's Office (1993 - 1999)
 Consultant, Pierce County Medical Examiner's Office (1992 - 1999)
 Consultant, Puyallup Police Department, Investigations Section (1995 -)
 Medical Investigator, training officer, King County Medical Examiner's Office (1992 – 1995)
 Medical Investigator, training officer, Pierce County Medical Examiner's Office (1986 – 1992)

Education

1970 BA St Olaf College, Northfield, Minnesota, *Cum Laude*
 1975 MA University of Massachusetts-Amherst
 1977 Ph D University of Massachusetts-Amherst
 1982 Visiting Scholar: Stanford University, Stanford California
 1986 – 1991[inclusive; 6 years] Preceptorship, Forensic Pathology, E Q Lacsina, MD, Preceptor, PCMEO

Board Certification

Diplomat, American Board of Medico legal Death Investigators, Registry #412

National Disaster Medical System Deployments: DMORT Region X

New York City – World Trade Center Terrorist Attack on America 9/11/01

Duties – Evidence Section – receive/examine/catalogue human remains & evidence for OCME & NYPD
 Memorial Park - store, retrieve tissues for further forensic analysis
 Imaging Section – computerize and review developing case files for OCME, NYPD, New York City Health Department, relevant Courts

Continuing Medical Education

1988 Death Investigation
 U W School of Medicine
 Seattle, Washington

1988 Death Investigation
 U B.C Department of Pathology
 Vancouver, British Columbia

1989 Death Investigation
 Alberta Chief Medical Examiner
 Calgary, Alberta

1989 Masters Three Death Investigation
 St Louis University School of Medicine
 St. Louis, Missouri

1990 Guy's Hospital Medical School
 Dept of Forensic Medicine
 London, England

1990 AAFS Continuing Medical Education
 Recovery of Decomposed Remains
 Cincinnati, Ohio

1992 Guy's Hospital
 Department of Forensic Medicine
 London, England

1992 Royal Society of Medicine
 Police Surgeon & Forensic Medicine
 London, England

1992 AAFS Continuing Medical Education
 Forensic Radiology
 New Orleans, Louisiana

1993 AAFS Continuing Medical Education
 Assisted Suicide & the Law
 Boston, Massachusetts

1994 Guy's Hospital Medical School
 Dept. of Forensic Medicine
 London, England

1994 AAFS Continuing Medical Education
 Forensic Science & the Environment
 San Antonio, Texas

1995 AAFS Continuing Medical Education
 Scientific Evidence and Testimony
 Seattle, Washington

1995 American Association Psychiatry & Law
 Ethics in Medical Practice
 Seattle, Washington

1997 Mt. Sinai School of Medicine
 Junk Science in the Courtroom
 New York, New York

1997 AAFS Continuing Medical Education
 Ethical Practice in Forensic Science
 New York, New York

1999 DMORT Mass Disaster Training
 US Department of Health &
 Human Services
 Gresham, Oregon

2000 DMORT Team #10 Training
 US Department of Health &
 Human Services
 Edmonds, Washington

2001 AAFS Continuing Education
 Scientific Sessions
 Seattle Washington

2001 Advanced Shooting Reconstruction
 UNT Police Academy
 Denton, Texas

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2002 AAFS Continuing Education
Scientific Sessions
Atlanta, Georgia

2003 AAFS Continuing Education
Scientific Sessions
Chicago, Illinois

2003 National Disaster Medical Service
National Conference
Reno, Nevada

2003 Emergency Response to Terrorism
NDMS Conference
Reno, Nevada

2004 Pharmacology & Pharmacokinetics
Workshop #23
AAFS Dallas, Texas

2005 AAFS Continuing Education
Scientific Sessions
New Orleans, Louisiana

Continuing Criminalistics Education

1989 University of Alberta
Forensic Archeology
Edmonton, Alberta

1990 New Scotland Yard
Fingerprints, 999
London, England

1990 New Scotland Yard
Hendon Police Training School
Scenes of Crime
London, England

1991 Bureau of Criminal Apprehension
Bloodstain Pattern Analysis
Minneapolis, Minnesota

1995 Oklahoma City PD & ME
ACSR & IABPA Training
Bombing Investigation
Oklahoma City, Oklahoma

1996 AAFS Continuing Education
Scientific Sessions
Nashville, Tennessee

1996 Forensic Science Study Group
Tacoma Police Department
Tacoma, Washington

1997 AAFS Continuing Education
Scientific Sessions
New York, New York

1997 ACSR & IABPA Training
Ballistics; Bloodstains
Seattle, Washington

1999 AAFS Continuing Education
Scientific Sessions
Orlando, Florida

2000 IABPA Training
Bloodstain Pattern Interpretation
Tucson, Arizona

2000 AAFS Continuing Education
Scientific Sessions
Reno, Nevada

2002 AAFS Continuing Education
Fingerprint Technology
Stephen Meagher, FBI [Atlanta, Georgia]

2002 AAFS Continuing Education
Digital Photography
Atlanta, Georgia

2002 McCrone Research Institute
Hair & Fiber Microscopy
Chicago, Illinois

2002 FBI Advanced Bloodstain Pattern Analysis
Scientific Working Group
Quantico, Virginia

2003 State Microscopical Society of Illinois
Inter Micro Conference
Chicago, Illinois

2003 McCrone Research Institute
Scientific Principles of Contrast in
Polarizing Light Microscopy
Chicago, Illinois

2003 FBI Advanced Bloodstain Pattern Analysis
Scientific Working Group
Quantico, Virginia

2004 AAFS Continuing Education
Ballistics & GSR studies
Dallas, Texas

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2004 FBI Advanced Bloodstain Pattern Analysis Scientific Working Group Quantico, Virginia	2004 HMC Analytical Instrumentation XRF Elemental Analysis Livermore, California
2005 AAFS Workshop Shooting Reconstruction New Orleans, Louisiana	2005 FBI Advanced Bloodstain Pattern Analysis Scientific Working Group [Spring] Quantico, Virginia
2005 FBI Advanced Bloodstain Pattern Analysis Scientific Working Group [fall] Quantico, Virginia	2006 FBI Advanced Bloodstain Pattern Analysis Scientific Working Group [spring] Quantico, Virginia
2006 International Association for Identification Pacific Northwest Division IAI 42 nd Educational Training Conference Boise, Idaho	

Continuing Investigative Training

1985 King County ME & SD Victim Identification in Serial Homicides Seattle, Washington	1990 AAFS & Federal Bureau of Investigation Criminal Investigative Analysis Cincinnati, Ohio
1991 FBI Academy Expert Systems in Law Enforcement Quantico, Virginia	1991 IC/LEESA & Tampa Police Department Applying Logic to Law Enforcement Tampa, Florida
1992 Hendon Metropolitan Police Training Training School - Terrorist Bombings London, England	1993 AAFS Continuing Education Aircraft Accident Investigation Boston, Massachusetts
1994 AAFS Continuing Education Multidisciplinary Investigations San Antonio, Texas	1994 Southeast Regional Crime Squad Regional Squads of England & Wales Luton, England
2000 University of North Texas Police Academy Officer Involved Shootings Denton, Texas	2001 ABMDI Performance Review Pierce County Medical Examiner Tacoma, Washington
2002 Defense Investigators Conference Washington Defenders Association Conference, Ocean Shores Washington	2003 Competency of Forensic Professionals Forensic Sciences Service, UK Chicago, Illinois
2003 Tactical Considerations in Fighting Terrorism National Disaster Medical System Conference [Fire Investigation & Thermal Injuries] Reno Nevada	

Honors

Phi Beta Kappa
 Woodrow Wilson Fellow
 Rockefeller Fellow
 1994 Senior Research Fellow, Department of Forensic Medicine, Guy's Hospital, London
 1994 Meritorious Service Award, American Academy of Forensic Sciences
 Marquis Who's Who in Science & Engineering [Reviewed]
 Marquis Who's Who in the West [Reviewed]
 Marquis Who's Who [Reviewed]
 Manchester Who's Who [Reviewed]
 Listed expert, passing AMBEST's Forensic Practice Background Investigation [Reviewed]
 Exemplary Service Award, Metropolitan Police, by Det. Inspector K P Gallagher, SO11
 Founding Member, Department of Homeland Security

Personal Statement

I am the son of an artist and a physician. When I entered college, I wanted to know how a physician could observe a patient, x-ray, or lab test, explain the malady, and prescribe a treatment. I found that philosophers addressed these methodological issues, not biologists in undergraduate premedical programs. I majored in philosophy to learn how to think, and, because I found that artists' best taught the skills of careful observation so central to science, I also majored in studio art. Both skills - thinking and observing - provide a solid foundation for my graduate and post-graduate work in forensic science and forensic medicine. Death investigation suited my life-long interest in the puzzles of medical diagnosis and my eventual disinterest in practicing clinical medicine. I found my niche both as a professor and medical investigator, focusing on forensic science and forensic medicine. As an independent consultant in forensic science and forensic medicine with *Final Analysis Forensics*, I apply logic and science in the service of justice.

[Additional information about Dr. Nordby's career can be found in his first book, *Dead Reckoning: The Art of Forensic Detection*, CRC Press, 1999 and in his second book, *Forensic Science: An Introduction to Scientific and Investigative Technique*, Edition 1, especially Chapters One and Thirty, CRC Press, August, 2002; Edition 2, especially Chapter One, January, 2005]

Final Analysis Forensics- Client Base

- Department of Defense
- Individuals & families [under special circumstances *only*]
- Police and Sheriff's Departments
- Private Attorneys
- Prosecutors' Offices [also through Law Enforcement Services]
- Public Defenders' Offices
- United States Congress – House Armed Services Committee
- Washington State Attorney General's Office – provide investigator training
- Washington State Association of Coroners and Medical Examiners – provide crime scene medical training

References and Courtroom Data are available upon specific request.

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Final Analysis Forensics

Death Investigation Criminalistics Forensic Analysis

[Current through June 1, 2006]

Dear Requesting Attorney,

The following represents relevant cases in which I have provided testimony, deposition, or both. Note that much of my case work, which involves criminal cases, results in some settlement before trial. Most of the cases which result in deposition or testimony involve work contracted for by the defense or are civil cases; most of the cases which result in some settlement before trial involve work contracted for by the state.

Seattle Superior Court CASE #97-1-00409-4SEA, State v. Bruce McClain

Regarding State v. Bruce McClain, the trial was held in November of 1997. I testified on November 19, 1997 in King County Superior Court, Seattle, Washington. I worked with Attorney Peter Klipstein, then practicing with The Law Offices of Donovan Bigelow. Mr. Klipstein can be reached on his mobile phone at 206-601-6126. The prosecutor in the case was Senior Deputy Prosecuting Attorney Ron Clark of the King County Prosecutors Office. During questioning, Mr. Clark stipulated to my expertise and called me "both truthful and trustworthy." My scientific work involved ballistics, GSR, and firearms analysis. It included the microanalysis of clothing involved in the discharge of a firearm as well as the functional properties of the firearm itself.

United States District Court Middle District of Florida, Jacksonville Division, CASE # 3: -CV-538-J-21-TJC, Sewell v. City of Jacksonville

Deposition had been given on 10/16/2000. When faced with *Daubert* and *Kumho Tire* challenges, an order filed May 8, 2001, by United States District Judge Ralph W. Nimmons Jr., found that "Dr. Nordby is qualified to testify as an expert witness under *Fed.R.Evid. 702* [limited to scientific areas described by Judge Nimmons, of course excluding mere conjecture or personal opinions], based on his knowledge, experience, training, education and skills." These areas include ballistics, injury analysis of gunshot wounds [terminal ballistics], crime scene processing and crime scene reconstruction, police policy and use-of-force guidelines. I worked with Attorney Barbara Heyer, who can be reached at 954-522-4922.

District Court, 11th District County of Flathead Montana, CASE # DC-00197B, State v. Ron Henderson

Deposition had been given on 05/2/02 with Prosecuting Attorney Ed Corrigan. I was qualified and admitted as both an expert witness and courtroom consultant from 5/7/2002 through 05/9/02. I testified on 05/9/2002, and was qualified as an expert in forensic medicine, ballistics, bloodstain pattern analysis, crime scene

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investigation and reconstruction, as well as firearms examination. I worked for Attorney David Stufft, who can be reached at 406-752-4107. Scientific testimony covered ballistics, terminal ballistics, crime scene processing issues, bloodstain pattern analysis, the detailed functionality of a 44 magnum Smith & Wesson Model 629 Revolver, and a limited, scientific shooting event reconstruction.

United States District Court 11th Judicial District, Sacramento California, CASE #CIVS – 00-0132 FCD GGH, Joseph Mitchell v. Union Pacific Rail Road

Deposition had been given on 06/18/02 with defending attorney William Pohle, Union Pacific Railroad. One day after my deposition, which covered the ballistics of an air rifle and specifically the Diabolo pellet used in the air-rifle-sniper shooting of a railroad engineer, the Union Pacific Railroad settled the case. I worked with attorney Larry Lockshin, and attorney Kim Miller, both of whom can be reached at 800-982-3777. Experiments included studies on the impact forces of various .177 cal air rifle pellets, the muzzle velocities of various .177 cal air rifles, and the force required to penetrate the temporal bone of a healthy adult male.

Superior Court for King County, Washington, CASE # 01-1-02487-2 KNT, State v. Richard Kiltau

My report was given to Attorney Michael Danko; 253-520-6509; and to prosecuting attorney Mr. Del Kolb. Deposition interviews were given on November 11, 2002. I testified at the trial before Judge Laura J Middaugh on December 12, 2002 in this fratricide case. After testifying, Mr. Kolb and Mr. Danko each stated that my testimony was "both intellectual, and honest." My scientific work for this case covered the physics of stabbing, studied through conducting experiments designed to measure the force required to penetrate neck tissues. I also provided detailed scientific bloodstain pattern analyses of the victim's and the defendant's clothing, as well as the scene, including the floor, the wall, the furniture, and the kitchen table.

Superior Court for King County, Washington, CASE #95-C-05434-6 SEA, State v. Atif Rafay

Deposition, and trial testimony was waved. Attorneys were removed and reassigned. Physical evidence and photographs together with laboratory reports were reviewed and analyzed with colleague Stuart James and a report produced. New attorneys were assigned to the case with our detailed bloodstain, trace evidence, and crime scene reconstruction work forwarded to attorney Marc Stenchever, SCRAP, or Society of Counsel Representing Accused Persons, (800-275-1445) for use in preparation for trial and for use during the trial held in 2003.

Benton County Superior Court, Washington, CASE #02-1004460, State v. Kevin Hilton

Deposition had been given on 03/04/03 with Benton County Prosecuting Attorney Andy Miller, (509-735-3591). Notes were taken by Carrie Runge, assistant to Mr

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Miller, and approved that same day. Trial testimony was provided at the trial on March 31, 2003 in Richland, Washington testifying under direct examination by attorney Peter Connick, (206-624-5958) working with Attorney Kevin Holt, (509-735-6520), with cross examination by Prosecuting Attorney Andy Miller. My scientific work in this case covered ballistics, including terminal ballistics, firearms analysis, including projectile and cartridge case comparisons and identifications, bloodstain pattern analysis, and scientific crime scene reconstruction.

Pierce County Superior Court, Washington, CASE # 01-1-05021-6, State v. Annette Porter

Prosecuting attorney Sue Sholin (253-798-6887) received multiple copies of my report October 9, 2002 and declined a deposition. Trial testimony was given in Superior court before Judge McCarthy on May 13, 2003 in Tacoma, Washington testifying under direct examination by attorney Shane Silverthorne (253-627-2141) working with attorney Karen Schumacher of the same firm. Cross examination was conducted by Ms Sholin. My scientific work involved the analysis of an aluminum alloy frying pan, including its melting properties, its capacity for heat transfer, and its change in state from solid to liquid when exposed to high temperatures through both radiation and conduction. The physical properties of cal rod burners and electric stoves were also studied and reported.

Superior Court for King County, Washington, CASE # 00-1-10206-9 SEA, State v. Joseph Andrew Reichert

Prosecuting Attorney Gary Ernsdorff, Senior Deputy Prosecuting Attorney for King County and James Koenig, Senior Public Defense Attorney with ACA, Associated Counsel for the Accused, Seattle, Washington, jointly supported a motion on behalf of the defendant for a new trial on robbery charges before Judge Michael Fox. The prosecution then dropped the charges 11/20/03. The action resulted from peer-reviewed scientific photogrammetric analysis of a surveillance video and calculations of perpetrator stature based upon the optical properties demonstrated in the video of the camera lens and the known heights of counter tops and shelves visible in the images. My work concluded that the perpetrator in the video was much shorter than the defendant; this provided decisive scientific support for concluding that the defendant could not be the robber. The defendant was exonerated, and released from custody.

Pierce County Superior Court, Washington, CASE # 01-1-05021-6 State v. Annette Porter

Prosecuting Attorney Sue Sholin (253-798-6887) received multiple copies of my report and again declined a deposition. Trial testimony was given in Superior court before Judge James Orlando on February 4, 2004 in Tacoma, Washington testifying under direct examination by attorney Michael Franz (206-246-5300) working with attorney Chip Mosley (253-272-2400). Cross examination was again conducted by Ms Sholin. My scientific work focused on the physical properties of an aluminum alloy frying pan, which exhibited non-uniform deformation by melting with evidence of heat transfer to the burner beneath.

Experiments were conducted proving that such non-uniform deformation could not be reproduced through heating from beneath by an electric stove's cal rod burner. Further, the heat transfers at issue could only be produced if the pan were hotter than the cal rod burner. Evidence showed the fire's origin to be an electrical fault in a "Mr. Coffee" coffee maker, located on the counter beside the frying pan which was sitting on the stove's rear burner.

Pima County Superior Court, Arizona CASE # CR65182, State v. Arnold Araiza

Prosecuting attorneys Baird Greene & Chris Ward received my initial report before my scene visit and laboratory ballistics analyses, following up with a deposition. After additional evidence became available, they received my second report and a second deposition followed. Trial testimony was given in Superior court before Judge Deborah Bernini on March 9, 2004 in Tucson, Arizona testifying under direct examination by attorney Ralph Ellinwood (520-882-2100). Cross examination was conducted by Mr. Baird Greene. My scientific work involved ballistics analyses, including terminal ballistics for the victim. I conducted firearms examinations including cartridge case identifications and comparisons as well as projectile comparisons, and an analysis of a projectile defect found in a metal service station window mullion. My experiments involved the analysis of various cartridge case ejection patterns from a semi-automatic 1911-style pistol as held in various positions; they also examined the degree and nature of projectile ricochets and pavement slopes together with their roles in this gunshot homicide.

First Judicial District Court, for the County of Santa Fe, New Mexico CASE # D00101CR2000300278, State v. Ruben Sandoval

Prosecuting attorney Ms. Linda Lonsdale, Detective William Pacheco, and State's Bloodstain Expert Mr. Larry Renner received copies of my report, detailing the results of my testing, microscopic analyses, and ballistics analyses and reconstruction work. Offer of a deposition was declined by the State. State agreed to my qualifications as an expert in bloodstain pattern analysis, ballistics - including terminal ballistics - forensic medicine related to gunshot wounds, trace evidence, and crime scene reconstruction. Trial testimony was given in First Judicial District Court before Judge Michael E. Vigil on April 09, 2004. Direct examination was conducted by Daniel Marlowe (505-988-1144) while cross examination was conducted by Ms. Lonsdale, 505-827-5000. My scientific work in ballistics and bloodstain pattern analysis involved the microscopic analysis of bloodstains on the victim's sweater, of gun shot residues on the same sweater, and the analysis of bloodstains on the rest of her clothing, bloodstains at the scene and bloodstains on the suspect. Experiments proved that bloodstains on the suspect's glasses were not, and could not have been produced through any mechanism involving 'back spatter' from the discharge of a shotgun pointed at the victim. The defendant was released.

**The Eighteenth Judicial Circuit Court for the County of Brevard, Florida
CASE#05-1999-CF-020847-AXXX-XX, State v. Jason Tucker**

Deposition had been given 06/28/04 with Prosecuting Attorneys Bill Repess and Veronica Brace for defense counsels Kepler Funk and Keith Szachacz (321-953-0104) Trial testimony is scheduled to begin 08/24/05 before Judge Jack Griesbaum. Scientific work on this case includes analyses of bloodstain patterns, pattern injuries, crime scene processing protocols, including trace evidence recognition, collection, and processing, and the use of physical evidence in follow-up investigations.

Superior Court for King County, Washington, CASE # 02-1-04644-1SEA, State v. Melvin Marcus Johnson

My report covering the scientific analysis of this triple-homicide case was provided to Attorney James Koenig; 206-624-8105 x 269 from Associated Counsel for the Accused [OPD]; and to prosecuting attorney Mr. Donald J. Raz, Senior Deputy Prosecuting Attorney for King County. In place of a deposition, interviews were given on November 18, 19, and 23, 2004. I testified at the trial before Judge Douglass North on November 29, 30, and December 1, 2004. Direct examination was conducted by Mr. Koenig; cross examination was provided by Mr. Raz. My scientific work covered crime scene processing, documentation and collection; bloodstain pattern analysis; ballistics, including terminal ballistics and firearms identification; trace evidence microscopy - specifically fiber evidence - and limited scientific crime scene event reconstruction integrating the results of specific sciences applied. Extensive experiments were conducted with 44 cal 250 grain Nosler Partition ammunition, firing in a room built as a scale reproduction of the shooting scene. Ballistics gel, produced according to FBI protocols, was also used for these experiments.

Superior Court for Thurston County, Washington, CASE # 02-2-00584-2, Farmers New World Life Insurance Company vs. Melanie Lowrance, John Lowrance, Jessica Lowrance, a minor

Deposition had been given 03/23/05 [with attorney Dan Mullin of Davis Rothwell Mullin Earle & Xochihua (206-622-2295) representing Farmers New World Life] with deposition taken by attorney Darrin Bailey (206- 667-8290) of Stafford Frey Cooper. Testimony covered scientific analyses of scene and medical evidence and scientific crime scene and event reconstruction in the death of Shawn Lowrance.

Superior Court for Snohomish County, Washington, CASE # 89-1-00170-0, State of Washington vs. Jerry B. Jones

Deposition had been waved with testimony in this stabbing homicide case given 03/28/05 before Judge James H. Allendoerfer. Direct was provided by Jerry B. Jones, representing himself in this second re-trial of his homicide conviction, with cross examination conducted by Snohomish County Prosecutor Ron Doersch. My scientific work covered general crime scene processing issues and specific photographic documentations, with photo analysis and photo enhancement provided for several original crime scene photographs of apparent bloodstains on a wall and in a bathtub. I testified concerning digital photo enhancement techniques applied to original images, using the guidelines for image enhancement developed by the FBI's SWGIT [Scientific Working Group for

Image Technology], which are being developed to provide forensic scientists with generally accepted protocols for image manipulation and enhancement designed to preserve the evidential integrity of both the original and the enhanced or manipulated image

**United States District Court for the Northern District of Iowa Western Division,
CASE # C03-4058MWB, Estate of Daniel Jones vs. Daisy Manufacturing Company**

Deposition had been given 08/26/05 with attorney Thomas Duff representing the Estate of Daniel Jones and attorney William Griffin representing Daisy Manufacturing Company. Testimony in this wrongful death case covered ballistics performance analyses of two different models of the Daisy 856 air rifle: the US model and the Canadian model. It also covered an assessment of the functional differences between them and penetration studies conducted with calibrated ballistics gelatin validated per FBI protocols.

The Eighteenth Judicial Circuit in and for Brevard County, Florida, CASE # 05-1999-CF-020847-AXXX-XX, State of Florida vs. Jason Tucker

Testimony in this capital murder case was given before Judge Lori Davidson on 09/09/05. Attorney Kepler Funk and attorney Keith Szachacz represented Jason Tucker and attorney William Repess prosecuted the case for the State of Florida. Testimony covered crime scene processing protocols, the application of forensic sciences to various items of physical evidence, and the investigation of a pattern injury on the decedent.

State of Idaho, Latah County CASE # CR-2004-0004182, State of Idaho vs. James J. Wells; CASE # CR-2004-0004183, State of Idaho vs. Matthew Raydon Wells, II; CASE # CR-2004-0004-4184, State of Idaho vs. Thomas J. Riggins

My report covering the scientific analysis of this gunshot wound homicide case was prepared for Latah County Prosecuting Attorney William W Thompson, JR. Bloodstain patterns at the scene were described and their patterns were associated with two gunshot wounds to the victim. All available victim and suspect clothing was analyzed both for bloodstains and for gun shot residues. Known samples of primers from each brand and caliber of ammunition used in the shooting were analyzed for control purposes by using X-ray fluorescence. Each item of clothing was then analyzed for the detection of such elements again using X-ray fluorescence as well as photo microscopy. GSR patterns on each item were then investigated and documented through infra red photography. In September, 2005, each defendant reached a plea agreement given the available evidence in the case.

The Eleventh Judicial Circuit in and for Miami-Dade County, Florida, CASE # F05-22339, State of Florida vs. Roberto Camara

Testimony in this Arthur Hearing for a capital murder case was given before Judge Andrew Hague on 11/17/05. Attorney Roger Cabrera and attorney Jose Rodriguez-Dod represented Roberto Camara and attorney Leah Klein, Assistant State Prosecutor, attorney Esther Jacobo, and attorney Richard Jacobs represented the State of Florida. Testimony covered crime scene processing protocols for trace evidence collection focusing on gunshot residues (GSR), the scientifically

appropriate use of both positive and negative controls for GSR analysis, and the analysis of GSR through scanning electron microscopy with energy dispersive spectrometry (SEM-EDS). Testimony also covered issues of potential sample contamination, the appropriate protocols for computer controlled SEM-EDS (CCSEM-EDS), and the interpretation of the results

The Fourth Judicial District Court State of Nevada, CASE # CR-FP-04-1655, State of Nevada vs. Shelli Rose Dewey

Testimony in this homicide case was given before Judge J. Michael Memeo on 12/15/05. Deputy District Attorney Alvin R. Kacin and Attorney Marc Picker examined me. My report provided a scientific analysis of the physical evidence, a medical assessment of the decedents fatal sharp-force injuries, and my own scientific event reconstruction. I provided bloodstain pattern analyses of both the decedents and the defendants clothing, microscopic examinations of staining and fabric damage as well as chemical testing of the various stains. Testimony also covered a procedural assessment of the actual processing of the crime scene measured against both generally accepted crime scene processing practice and specifically mandated departmental SOPS reflected in the Elko Police Department Policy and Procedure Manual.

State of Indiana, Warrick County Superior Court 2, CASE # 87D02-0411-MR 136, State of Indiana vs. David Camm

Deposition was given 02/20/06 with Floyd County Prosecutor Keith Henderson representing the State of Indiana and Stacy Uliana representing David Camm. The deposition covered both my initial report and my supplemental report analyzing the origins of brass and lead particles found on the defendants clothing after the homicides of his wife and two children.

State of Indiana, Warrick County Superior Court 2, CASE # 87D02-0411-MR 136, State of Indiana vs. David Camm

Testimony in this triple homicide case was given on 02/20/06 and on 02/21/06 before Judge Robert Aylsworth, with Prosecutors Keith Henderson and Steve Owen representing the State of Indiana and Attorneys Stacy Uliana and Katherine Liell representing David Camm. Testimony covered both my initial report and my supplemental report analyzing the origins of brass and lead particles found on the defendants clothing after the homicides of his wife and two children. I described experiments done with a Lorcin 380 Auto pistol and the analysis of brass and lead particles resulting from loading the clip, extracting and ejecting fired cartridge cases, as well as those composing muzzle effluents exiting from the gun's barrel. I also described experiments with an abrasive disk used on a 1966 Ford Mustang body. The grinding involved smoothing lead body filler, lead primer and finish paints, as well as brazed body panel joints. Testimony covered the elemental analyses of these particles, issues of gun shot residue analysis, and an evaluation of the mechanisms involved in depositing such particles onto clothing.

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**United States District Court for the Western District of Wisconsin, CASE # 05 C
673 S, Galster & Johnson vs. The City of Portage Wisconsin and the Wausau
Insurance Co.**

Deposition was given 04/11/06 with attorney Gregg Heidenreich representing the City of Portage Wisconsin and attorney Robert Gingras representing the estate of Mr. Keith Galster. The deposition in this gunshot wound death investigation covered my examinations and scientific analyses of the available physical evidence including muzzle-to-target and residue deposition testing of the weapon: a compensator-equipped Hi-Point C-9 9mm semiautomatic pistol. My scientific work also included bloodstain pattern analysis, gunshot residue analysis, trace evidence microscopy, comparison microscopy with projectile and cartridge case identifications, as well as pattern injury analysis and terminal ballistics.

**Superior Court for the State of Alaska, Third Judicial District, CASE # 3H0-05-
00134 CR, State of Alaska vs. Jay R. Darling**

Testimony in this homicide case was given on 05/15/06 and on 05/16/06 before Judge Richard D. Savell in Homer, Alaska. Assistant U. S. Attorney Crandon Randell represented the state and Attorneys Cynthia Strout and James McComas represented Mr. Darling. Testimony covered both my analysis of the injuries suffered by Mrs. Wanda Darling during a 1000' fall off a bluff in Homer Alaska and the obvious damage to her clothing. The clothing analysis covered a cotton top, blue jeans, a pair of walking shoes as well as the presence and condition of her undergarments as found on her body. Specific issues of the time it would have taken to fall certain distances were also addressed by considering the basic physics of free-falling objects as a base-line and explaining the effects of tumbling with impacts along the fall's path on the time it may have taken her to fall over approximately 1000 feet

**United States District Court, Northern District of Indiana, CAUSE # 2:02CV209,
Montgomery Independent Administrator of the Estate of Brandon J. Haywood,
deceased vs. Village of Lake Station et al**

Deposition was given on 05/31/06 with attorney Stacy J. Vasilak representing the defendants and attorney John F. Winters, Jr. representing the plaintiff. The deposition in this officer involved gunshot death covered my scientific examinations of the physical evidence including the decedent's injuries, his clothing, the officer's weapon, a recovered projectile, and two glass bottles. The scientific work involved analyzing bloodstain patterns, gunshot residues, trajectories, glass fracture patterns, and terminal ballistics as well as producing a limited shooting reconstruction

In my practice I have testified as an expert in the following states: Alaska, Arizona, California, Florida, Idaho, Indiana, Iowa, Montana, Nevada, New Mexico, Washington, and Wisconsin.

As you may know, my independent scientific practice involves serving law enforcement jurisdictions including sheriffs' offices, and police departments, as well as federal law

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enforcement agencies including the NCIS, the FBI, and the Department of Defense Office of Law Enforcement Policy and Support. I also serve medical examiners offices, public defenders agencies, and private attorneys, as well as branches of State and Federal Government providing both scientific analyses and relevant scientific advice, including scientific analyses of opinions offered by other reputable forensic scientists, or by self-proclaimed "professional expert witnesses." As you may also know, most independent consultants in forensic science seldom have an opportunity to serve prosecutors offices since all such jurisdictions enjoy close association with government-run crime laboratories.

Sincerely,

Jon

Jon J. Nordby, Ph.D , D-ABMDI, Consultant in Forensic Science & Forensic Medicine